

# Memorandum

From Rep. Roy Schmidt

## Regarding:

**HOUSE BILL 4583**

**HIV-TESTING CONSENT**

**March 9, 2010**

Here are some pertinent points regarding the bill that I thought would be helpful for you.

- Under current Michigan law, HIV requires separate consent from the patient, rather than being covered under a general consent for treatment. This separate consent can be a barrier to testing and has been in place since 1978.
- HB 4583 would require appropriate information (either verbally or written) regarding HIV to be given to patients both pre and post test, but would NOT require a written consent form to perform the test.
- HB 4583 would bring Michigan public policy for HIV testing in closer alignment with the World Health Organization and the Center for Disease Control (CDC) recommendations
- Privacy is maintained on HIV testing and status and is protected health information under federal law (HIPAA).
- HB 4583 would provide consistent testing performed for any other sexually transmitted infection, including syphilis, gonorrhea, and hepatitis B.
- Patients maintain the right to decline the test
- Early detection is much less costly than treating a patient who's HIV has progressed into AIDS. A major goal of HB 4583 **is to remove the barrier to testing, and improve the early detection of HIV.**
- This early detection will allow individuals who are infected to seek earlier medical treatment, with a goal of preventing progression to AIDS and preventing unrecognized transmission of HIV to others.